

2023

The occupation of pupils and students during school holidays

OGB·L
— THE TRADE UNION

OGJ
Onofhängeg Gewerkschaftsjugend

In case of trouble with your job

you can contact the OGBL

Make an appointment with the Information, Advice
and Assistance Service by calling **+352 2 6543 777**
or via **contact.ogbl.lu**

social media: [ogj.lu](https://www.ogj.lu) | ogj@ogbl.lu
www.ogj.lu

You're not a member yet?

Then subscribe on hello.ogbl.lu

Other useful addresses

Association d'assurance accident (AAA)

prestations.aaa@secu.lu

prevention.aaa@secu.lu – www.aaa.lu

Centre commun de la sécurité sociale (CCSS)

ccss@secu.lu – www.ccss.lu

Agence Nationale pour l'Information des Jeunes (ANIJ)

jugendinfo@anij.lu – www.cij.lu

Inspection du Travail et des Mines (ITM)

contact@itm.etat.lu – www.itm.public.lu

// student job: how does it work?

Are you looking for a job during the holidays to earn money, increase your experience, improve your CV, get a taste of the realities of the working world or for other reasons? And you wonder when you can work? Under what conditions? For what salary?...

In this brochure you will find all the advice and information you need.

Those who are informed are in a better position - the OGJ supports you in your rights!



The employment of pupils and students during school holidays is governed by the provisions of the Labor Code, Book 1 - Individual and collective labor relations, Title V - Employment of pupils and students during school holidays.

// your profile

Who can be a student job seeker?

You can work as a student if you meet the following conditions:

- you are at least 15 years old and no older than 27 years old (due on your birthday);
- are enrolled in a school, high school, university, etc. in Luxembourg or abroad and regularly attend a full-time course of education. If applicable, you must provide a certificate of enrolment.

You can still work as a student if your school registration ended less than four months ago.

Which pupils and students are not concerned?

Pupils or students who are trainees as part of a training or probationary course are not covered.

The training course itself is considered to be work of an essentially educational nature, organized and supervised by a Luxembourg or foreign educational establishment or organized by an employer on the basis of a traineeship contract between the employer and the pupil or student.

For these trainees, a traineeship agreement must be drawn up between the two parties (employer and pupil or student) or all three parties (employer, educational establishment and pupil or student).

Pupils or students who have signed a fixed-term contract, an open-ended contract, an employment support contract (CAE) or an employment initiation contract (CIE). These different types of contracts are not student jobs because they are governed by other provisions of the Labour Code.

Who can be an employer?

Any company or institution in both the private and public sectors can hire pupils and students.

What is meant by school holidays?

These are the vacations you are entitled to during the school year. The periods of these holidays may be different depending on whether you are studying in Luxembourg or abroad



The duration cannot exceed 2 months per calendar year (from January 1 to December 31), even in the event of multiple contracts.

Your contract must be during the Luxembourg school holidays, unless you are studying abroad and you can certify that you are in a holiday period, and:

- if the work falls into the catering, military or hospital categories, the working hours may be extended after prior authorization from the Labor Minister or his or her delegate, subject to compliance with the conditions set;
- in the event of force majeure, or if the existence or security of the company so requires, the employer is exceptionally authorized to have adolescents work on a Sunday or a legal holiday, but only to the extent necessary to avoid serious interference with the normal running of the business and if and if adult workers cannot legitimately be used.

// the employment contract

Is it necessary to work under a contract?

YES! It is highly recommended to conclude a contract in writing, which avoids trouble. In case of problems, it constitutes proof.



Undeclared work, which is illegal, only benefits the employer, while the employee takes all the risks: not getting enough or no pay, having to work overtime, or being fired without notice.

- When you have found a student job, the law requires that a written contract be made between you and the employer no later than the first day of work.
- This is a fixed-term employment contract, where you agree to provide work under the authority of an employer in return for payment.
- This contract must be drawn up in triplicate: one copy for the employer, another for you and a third copy, which must be sent by the employer to the Labor and Mines Inspectorate (ITM) within 7 days of starting work. If you have to provide a certificate of enrolment, do not forget to request it before the end of the school year.

What should be the content of this contract?

The contract must contain the following information:

1. your surname, first name, date of birth and domicile;
2. the name and address of the employer;
3. the start and end date of the contract;
4. the nature and location of the work to be performed;
5. the daily and weekly working hours;
6. the agreed remuneration, which may not be less than the legal provisions; (see below)
7. the terms of payment of remuneration;
8. the place where you are housed, if the employer is committed to housing you (It is also necessary to state the accommodation conditions: free of charge, against payment, conditions, etc.).



In the absence of a written contract or in the presence of a contract concluded late, the employment relationship is reclassified as a normal employment relationship of indefinite duration.

Can you, as a minor, sign the contract?

The text of the law does not deal with the subject. However, the model contract (annexed to the law) provides for the signature of the legal representative. If you are a minor, we recommend that you and your legal representative sign the contract.

How does the student employment contract end?

- by the expiry, on the date provided for in the fixed-term contract
- by the will of the parties
- by the termination for incapacity to work
- by breaking up for serious reasons

// remuneration

How much can you earn?

The employer who employs a pupil or student is obliged to pay him/her a remuneration that cannot be less than 80% of the social minimum wage for unskilled workers, taking into account age-related deductions.



The wages stated below are only minimums that the employer must respect. The pupil or student may agree with the employer on a higher wages.

- These amounts are net because the remuneration is exempt from health and pension insurance contributions.
- To determine your salary, you can check whether an amount is fixed by a CBA in the sector or company in which you will be working.

At the employer's request, your wages paid for school holiday work are exempt from withholding tax, unless they exceed € 14 per hour. In this case, the pay is subject to withholding tax and you must therefore submit a tax deduction form to the employer.

	monthly wage (Index 921,40 since 01.04.2023)
18 years and more (80 % of 100 % of the minimum wage)	2 006,59 €
17-18 years (80 % von 80 % of the minimum wage)	1 605,27 €
15-17 years (80 % von 75 % of the minimum wage)	1 504,94 €

// social security affiliation

Do you have to be affiliated with Social Security?

The student is, as a co-affiliate, covered by the health insurance of his or her parent or legal representative. The employer must affiliate you to the accident insurance and pay the related contributions so that you are covered in case of an accident. However, you are not subject to:

- health insurance
- pension insurance
- family allowances and the solidarity tax (unemployment benefits)

What about holidays, statutory holidays, sick leave?



You're not entitled to paid holidays. Statutory holidays are in principle days off, but without pay, as well as sick days.

You are entitled to extraordinary leave, but these days will not be compensated and must be granted by the employer:

1. one day for the death of a second-degree relative or relation;
2. one day for the declaration of partnership
3. ten days for the father in the case of the birth of a legitimate or recognized natural child;
4. two days in the event of relocation;
5. three days for the death of the spouse or a first-degree relative or relation;
6. three days for the marriage of the employee;
7. ten days in the event of the receipt of a child under the age of 16 with a view to adoption, except in the case of entitlement to adoption leave.

Do you have any special protections?



The legal, regulatory and contractual provisions (in the case of a collective bargaining agreement) that govern working conditions and the protection of employees in the exercise of their profession are also applicable to pupils and students.

For young people under the age of 18, the law prohibits, unless a written exemption is granted by the Minister of Labor:

- working overtime
- working on Sundays and statutory holidays
- night work (limited exceptions until 10 pm, work between 0 am and 4 am remains in all cases prohibited)
- any work that objectively goes beyond their physical or psychological capacities, requires efforts disproportionate to their strength or is likely to harm their physical or mental health.

Task or piece work, line work to be performed at a prescribed pace or any other system that allows higher remuneration to be obtained by speeding up the pace are prohibited. The effective maximum working time may in no case exceed nine hours per day, nor may it exceed forty-four hours per week.

As soon as the young persons enter the service, the employer is required to give them, where appropriate in the presence of the safety representative and the designated worker, appropriate instructions on:

1. the work to be performed;
2. the work regulations;
3. the safety measures and protective devices and equipment intended to ensure their safety and health;
4. the observance of health and safety measures and provisions likely to prevent occupational diseases and other work-related illnesses.

How long is your weekly rest period?

In general, you have an uninterrupted rest period of 44 hours. Sunday should preferably be included in this rest, unless there are legal exceptions. For minors, during each period of seven days, they must have a periodic rest period of two consecutive days, which in principle includes Sunday, unless there are legal exceptions (in particular for restaurants and hotels).

Who monitors the application of the legal provisions?

The Labor and Mines Inspectorate (ITM) is responsible.

Which courts have jurisdiction in the event of a dispute?

The competent jurisdiction is the labor court of Luxembourg, Esch/Alzette or Diekirch, depending on where the pupil or student works.

How to choose the right student job?

It is advisable to start the search as early as possible to increase your chances of finding a job.

Administration, animation, catering, sales... Student jobs, there are really all kinds.

To find an occupation, it is helpful to use several leads:

- looking for ads on the web
- consult the Luxembourg daily newspapers
- send an unsolicited application to companies
- ask your friends, family, acquaintances
- Youth House and Youth Information Point (PiJ - Point Information Jeunesse)
- Orientation House (Maison de l'orientation)
- Administration de l'Emploi (ADEM - Employment Administration)
- Youth Information Centre (CIJ Centre Informations Jeunes)

What documents to prepare?

Curriculum Vitae (CV)

The CV must provide information about yourself (date of birth, marital status, etc.) and your educational background in a clear and succinct manner. Properly writing a CV is essential and can increase the recruiter's conviction to invite you for an interview.

Past internships and jobs should also be mentioned (responsibilities, working independently, teamwork, contact with the public, etc.). Do not forget to mention voluntary work, volunteer work or involvement with organisations or associations (tasks performed, responsibilities, missions, actions, etc.).

Numerous structures (PIJ - Point Info Jeunes, CIJ - Centre Information Jeunes) offer you assistance in writing cover letters and CVs.

Cover letter

The cover letter precedes the CV. It allows you to formulate your application and to specify your qualifications or your motivation for a particular job or employer.

The cover letter should spark the recruiter's interest by answering three questions:

1. What is the purpose of your application? Indicate the purpose of your application in very specific terms;
2. Who are you? Reinforce the value of the experience presented in your CV;
3. Why do you want this job? Explain why you are attracted to the company or institute, why the mission seems interesting and what motivates you.
 - The job application is usually handwritten and short. Be clear and direct (one page maximum).
 - Don't hesitate to highlight your skills and qualities. Always be courteous and polite.
 - Have your family and friends proofread your cover letter and read it again yourself before sending it. Your documents must be perfect both in content and form.

STANDARD CONTRACT FOR THE OCCUPATION OF PUPILS AND STUDENTS

Between the undersigned:

1. The employer _____ located in _____
represented by Mrs/Mr _____
hereinafter referred to as "the employer"

and

2. Mrs/ Mr _____ born on _____
residing at _____ hereinafter referred to as "the pupil/student";

It was agreed as follows:

- a. This contract shall take effect on _____ and terminate on _____.
- b. The services of the pupil/student shall consist of _____.
- c. The place of occupancy is _____.
- d. The normal hours of work are _____ hours per day and _____ hours per week.
- e. The remuneration of the pupil/student is set at _____ €gross per hour/month. (*)
(*) cross out what is not appropriate
- f. Payment of remuneration shall be made per week/fortnight/month (*).
- g. The employer undertakes to house the pupil/student in _____ (optional).

This contract is drawn up in triplicate, the first of which is for the employer and the second for the pupil/student.

The third will be sent to the Labor and Mines Inspectorate within 7 days of the start of execution of the contract.

Done in triplicate at _____, on _____

Signature of student,

if he is a minor, of his legal representative

and Signature of the employer

// Why should I join a union?

Joining the OGBL is first of all being an actor of your future while being supported by a powerful social force.

Trade unions today are as important as in the past. They assist and advise individually or collectively its members and to defend their interests, in particular as regards working conditions, salary and social security.

The OGBL fights strongly against any attempt to exploit and make young employees more precarious.

Young people have the right to have a normal employment contract of indefinite duration, a prerequisite for planning their future, for having access to housing, in short, for starting their career under good conditions.

The strength of employees lies in a powerful organization that allows them to negotiate collective progress. The trade union is the official representation of the employees in front of the State and the employers.

The stronger a union is in terms of membership, the more it can advance or defend social progress.

Today the OGBL is not only the leading trade union in Luxembourg in terms of number of members, but it is also the leading force in the defense of the rights

of employees and pensioners, the driving force behind the improvement of working and living conditions in Luxembourg.

But the OGBL also offers services: advice and assistance, legal protection, preferential conditions (e.g. leisure insurance, complementary health insurance...). Details of these advantages can be found on our website hello.ogbl.lu.

OGBL also collaborates with other youth organizations, such as UNEL or Youth for Climate, and its Youth Department (OGJ) is affiliated to the General Conference of Luxembourg Youth. The OGBL is independent from any political party and neutral from the confessional point of view. It is financed exclusively by membership fees.

Note that membership as a student is free (until the end of your studies*), seniority is taken into account thereafter. Thus, for example, you will be entitled to legal protection, without any waiting period, from your first day of work.

(* A certificate of schooling will be requested once a year.

So don't hesitate and become a member of the OGBL today.

If you want to join the OGBL Youth Committee (OGJ) or if you need more information, you can also contact us at ogj@ogbl.lu or by phone at 54 05 45-291.

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